

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73479

Enfield Realty Inc.  
Alan Abramowitz  
3611 Roland Avenue  
Baltimore MD 21211

7204-7206 York Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, failure to remove all graffiti from building on commercial property zoned BL known as 7204-7206 York Road, 21212.

On March 8, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 22, 2010 for removal of all graffiti from this commercial building. This Citation was issued on March 10, 2010.

B. Photographs in the file show extensive graffiti painted in various colors on the exterior walls of this commercial shopping center building, including graffiti on each of the utility meter boxes. Notes in the file by Inspector Kimberly Wood state that she spoke with the tenants of the building on February 22, 2010 in addition to mailing the Correction Notice to the owner and resident agent. Re-inspection on March 23, 2010 found no change, with the graffiti still on the building. Respondents have failed to respond to the County's notices and did not appear for this Hearing.

C. Baltimore County law requires prompt removal of graffiti. Graffiti is defined under Maryland law as a permanent painting, mark or inscription on property of another without permission of the property owner, and it falls under the crime of malicious destruction of property (Maryland Criminal Law Article 6-301; BCC 17-1-107 (prohibiting a person from injuring the property of another). The Police Department considers graffiti to be detrimental to public safety because it is often the first sign of gang activity in a community; is used to mark a gang's territory; and leads to the degradation of a neighborhood and the devaluation of property, which are elements that breed crime. Graffiti has been designated as an unlawful "nuisance" under Baltimore County Code Section 13-7-112, and the Code Enforcement Bureau of the Department of Permits & Development Management has been designated by the Department of Environmental Protection & Resource Management (DEPRM) as DEPRM's representative for enforcement of graffiti related nuisances. Under County law, violators are subject to a civil penalty of \$1000.00 per day.

D. Respondent is required by law to remove or paint over the graffiti on the exterior walls of this commercial property. Because compliance is the goal of code enforcement, and because this property does not have a recent history of code violations, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by April 19, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31<sup>st</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer